

**FILED**  
CHARLOTTE, N. C.

MAR 26 2007

U. S. DISTRICT COURT  
W. DIST. OF N. C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. *3:07mc40*

IN RE: REAL PROPERTY LOCATED AT )  
11433 FOGGY BANK LANE, )  
CHARLOTTE, NORTH CAROLINA, AS )  
MORE PARTICULARLY DESCRIBED IN )  
A DEED RECORDED AT BOOK 15983, )  
PAGE 301, IN THE MECKLENBURG )  
COUNTY PUBLIC REGISTRY )  
\_\_\_\_\_)  
FILE IN GRANTOR INDEX UNDER: )  
**CARLTON RUFFIN; CARLTON M.** )  
**RUFFIN** )  
\_\_\_\_\_)

**ORDER  
AND LIS PENDENS**

WHEREAS, the United States of America by and through Special Agent Charles McMurray has presented an affidavit to the Court alleging that the above-captioned defendant property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 et seq. and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that the defendant property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in

violation of 21 U.S.C. §801 et seq. and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, upon this finding of probable cause, the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. §981 and/or 21 U.S.C. §881;

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the defendant property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the defendant property is subject to forfeiture to the United States in a present or future civil in rem action before this Court, and any person who has a question as to this civil in rem action should contact:

United States Attorney  
for the Western District of North Carolina  
Attn: William A. Brafford  
227 West Trade Street, Suite 1650  
Charlotte, NC 28202  
(704) 344-6222

This the 26<sup>th</sup> day of March, 2007.

  
UNITED STATES MAGISTRATE JUDGE

**TO THE RECORDER OF THIS INSTRUMENT: MAIL ANY AND ALL RECORDED COPIES TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT THE ABOVE ADDRESS.**

MAR 26 2007

U. S. DISTRICT COURT  
W. DIST. OF N. C.

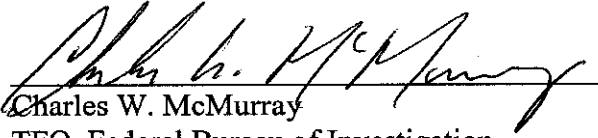
AFFIDAVIT IN SUPPORT OF APPLICATION FOR *LIS PENDENS*

I, Charles W. McMurray, Task Force Officer, Federal Bureau of Investigation, submit this affidavit in support of an application for an order and *lis pendens*, and, being duly sworn, hereby state under penalty of perjury as follows:

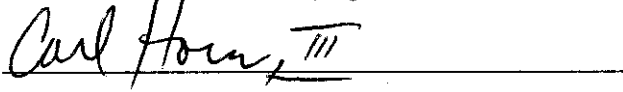
1. I am the chief investigator and case agent in the ongoing criminal investigation of Carlton Maurice Ruffin.
2. On January 30, 2007, an undercover detective placed a telephone call to Carlton M. Ruffin at 704-622-1142. The number 704-622-1142 is listed to Ruffin at his residence, 11433 Foggy Bank Lane in Charlotte. Ruffin is the sole record owner of the house at this address. During the telephone conversation, Ruffin agreed to sell the detective four and a half ounces of cocaine. About 30 minutes after the call, Charlotte-Mecklenburg Police detectives observed Ruffin leaving 11433 Foggy Bank Lane and driving directly without stopping to a location where Ruffin delivered four and a half ounces of cocaine to the undercover detective and was paid \$3,0000 in currency. After selling the cocaine, Ruffin drove directly back to his residence at 11433 Foggy Bank Lane.
3. On February 8, 2007, Ruffin had a telephone conversation with an undercover detective and again agreed to sell cocaine. The call was made to the same telephone number at 11433 Foggy Bank Lane. Charlotte-Mecklenburg Police detectives again observed Ruffin leave 11433 Foggy Bank Lane and sell the undercover detective four and a half ounces of cocaine. The surveillance team then followed Ruffin back to 11433 Foggy Bank Lane.

4. On February 23, 2007, Ruffin contacted the undercover detective and agreed to meet the detective and sell nine ounces of cocaine, with half being crack cocaine. The surveillance team observed Ruffin leaving his residence at 11433 Foggy Bank Lane, drive directly (without stopping) to a place where he sold nine ounces of crack cocaine to an undercover detective, and return to 11433 Foggy Bank Lane.
5. By virtue of a deed recorded on August 25, 2003, at Book 15983, Pages 301-303, Register of Deeds Office, Mecklenburg County, North Carolina, Carlton M. Ruffin is the record owner of the real property at 11433 Foggy Bank Lane.
6. This investigation commenced in January 2007. In addition to the FBI, the investigation has involved investigators from the following federal and state agencies: Drug Enforcement Administration, Internal Revenue Service, State Bureau of Investigation, and the Charlotte-Mecklenburg Police Department.
7. On February 15, 2007, detectives conducted a trash pull at 11433 Foggy Bank Lane and found clear plastic zip-lock bags that contained a white powdery residue. The plastic bags were sent to the Charlotte-Mecklenburg Police crime lab where this residue tested positive for cocaine.
8. Based on the foregoing information and the rest of the investigation to date, including drug purchases, video and audio recordings, interviews, trash pulls and other investigative tools, I submit that there is probable cause to conclude that the property located at 11433 Foggy Bank Lane, Charlotte, North Carolina, was used or intended to be used to facilitate the illegal distribution of a controlled substance, in violation of 21 U.S.C. §841(a)(1), and is subject to civil and/or criminal forfeiture to the United States pursuant to 21 U.S.C. §881 and §853, and the government is entitled to record a *lis*

*pendens* to give public notice of the government's forfeiture interest and potential civil and/or criminal forfeiture claim against the property.

  
Charles W. McMurray  
TFO, Federal Bureau of Investigation

Sworn to before me this 26<sup>th</sup> day of March, 2007.

  
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United States Magistrate Judge  
Western District of North Carolina